

ASSOCIATE LEGAL COUNSEL I

General Statement of Duties

Performs responsible professional legal work as a staff attorney in support of the Real Estate Commission.

Distinguishing Features of the Class

An employee in this class performs legal services for areas of law that are limited in scope and complexity in comparison with the Senior Attorney level, may assist higher level attorneys with cases, serves as legal counsel for the Commission on simple disciplinary and character application cases, conducts settlement negotiations and oversees case management. Work involves providing advice to non-attorney complaint and information staff on cases, writing informational materials on legal matters, and overseeing the work of the Administrative Procedures Act coordinator to assure a thorough and timely rulemaking process. Employee prepares legal documents and presents cases to the Commission. Employee conducts legal research in the law relating to licensing and professional discipline, and keeps informed of Commission policies and actions. Independent professional judgment, initiative and public contact skills are essential in performing various duties. Work requires considerable knowledge of State real estate laws and Commission policies and rules, as well as strong analytical skills. Work is performed under the general supervision of the Director and Assistant Director of Regulatory Affairs and is reviewed through discussion, results achieved, and feedback from the Commission, licensees and the public.

Duties and Responsibilities

Essential Duties and Tasks

Case management; reviews written complaints against real estate licensees and, if needed, discusses cases being referred to field investigators with the Director of Regulatory Affairs; assigns cases to non-attorney complaint processors for investigation; oversees the work of a small staff of non-attorney legal specialists to assure thorough and timely case management, including reviewing and evaluating cases, answering questions of a legal nature, and drafting legal documents.

Assists the Director and/or Assistant Director in improving and enhancing the case processing systems and procedures.

Guides and encourages complaint staff to ensure efficient processing of complaints; coaches and motivates staff; provides input to Director and Assistant Director on performance issues of staff.

Determines when cases are ready to be closed, presented to the Commission for determining whether to pursue disciplinary action, and assesses whether further research is required; provides consultation to staff on further action.

Prepares varied legal documents, correspondence, administrative rule drafts and statistical reports regarding complaint case processing.

Prosecutes cases before the Commission involving character qualifications of applicants and less complex cases alleging violations of Real Estate License Law and Commission rules; issues notices of hearing, subpoenas, and orders; conducts settlement negotiations of contested cases under the supervision of the Director and/or Assistant Director; develops and presents settlements for consideration by the Commission under the supervision of the Director and/or Assistant Director; examines and cross examines witnesses, makes opening statements and closing arguments.

Prepares and responds to assigned disciplinary and litigation cases; conducts necessary research on real estate and laws relating to Commission cases and court rulings, determines merits of a case and points of law; analyzes pertinent statutory, common and case law, administrative and procedural rules; develops case strategy and legal arguments.

Participates in character conferences with Commission; presents record of charges; asks questions to assist Commission in judging applicant; advises Commission; writes consent orders for applicants and presents to Commission for final approval.

Investigates consumer complaints by letter of inquiry.

Receives and answers inquiries from licensees and the public relating to legal aspects of the Real Estate License Law, Commission rules, departmental policies, real estate brokerage, and real estate transactions generally.

Fosters and actively participates in collegial approach within the Commission; seeks and shares collaborative advice.

Provides advice to varied internal staff; and advises administrative staff on policy questions and operating problems having legal complications.

Writes informational materials on legal topics related to the Real Estate License Law, Commission rules, real estate brokerage, and real estate transactions generally; and prepares and delivers speeches to various licensee and public groups on such subject areas.

Assists in drafting legislation proposed by the Commission and formulating Commission rules.

Additional Job Duties

Attends conferences and workshops to maintain law license in accordance with State Bar requirements.

Performs related duties as required.

Recruitment and Selection Guidelines

Knowledge, Skills, and Abilities

General knowledge of case, statutory, common and constitutional law as it pertains to real estate and real estate brokerage, particularly the Real Estate License Law and Real Estate Commission rules and policy.

Familiarity with real estate brokerage customs and practices.

Knowledge of judicial and quasi-judicial procedures and the rules of evidence.

Ability to perform legal research in accordance with initial guidance as to methods of approach, source material available and policy and precedent of the office.

Ability to understand and interpret constitutional provisions, statutes, administrative regulations and precedents.

Ability to research and analyze facts, evidence, and legal instruments.

Ability to express conclusions and arguments clearly and logically in oral and written form.

Ability to maintain effective working relationships with Commission members, management, other attorneys, other employees, and the public contacted in the course of work.

Ability to exercise sound professional judgment.

Ability to communicate effectively by telephone and to express oneself clearly and in a pleasant manner.

Physical Requirements

Must be able to physically perform the basic life operational functions of walking, fingering, talking, hearing and repetitive motions.

Must be able to perform sedentary work exerting up to 10 pounds of force occasionally and/or a negligible amount of force frequently or constantly to move objects.

Must possess the visual acuity to prepare and analyzing data and figures, to operate a computer, and to read extensively.

Required Experience

Some responsible professional experience in the practice of law.

Necessary Special Qualification

Law degree from a recognized school of law.

Licensed to practice in the State of North Carolina.

Successful completion of State Bar required hours of annual CLE credits.